PATENT APPLICATION

RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hideki MATSUNAGA

Application No.: 09/923,440

Filed: August 8, 2001

For: OBJECT MANAGEMENT METHOD AND SYSTEM

Group Art Unit: 2172

Examiner: A. Ly

Docket No.: 110331

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In reply to the April 7, 2004 final Office Action, reconsideration of the application is respectfully requested in light of the following remarks.

Claims 1-18 are pending in this application.

The Examiner is thanked for the many courtesies extended to Applicant's attorney in attempting to schedule and conduct a personal interview. Applicant respectfully submit this response in lieu of a personal interview to expedite prosecution of the application in view of the Examiner's limited availability.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,412,070 to Van Dyke et al. (hereafter, "Van Dyke") in view of U.S. Patent No. 6,275,825 to Kobayashi et al. (hereafter, "Kobayashi"). This rejection is respectfully traversed.

Applicant respectfully submits that Van Dyke and Kobayashi, taken separately or in permissible combination, do not disclose, teach or suggest all of the features recited in independent claims 1 and 10. The foregoing remarks apply equally to independent claim 10 which recites an object management system having features similar to the object management method recited in claim 1.

As admitted in the Office Action, Van Dyke does not teach "defining a retrieval condition for retrieving an object." See page 3, lines 12-13 of the Office Action. The Office Action inconsistently asserts that "Van Dyke discloses setting an access right in association with the retrieval condition" (emphasis added). Because Van Dyke does not define a retrieval condition, as explicitly stated in the Office Action, Van Dyke cannot logically be considered to disclose setting an access right in association with the retrieval condition.

Similarly, the Office Action inconsistently asserts that Van Dyke discloses "performing access control for an object matching the retrieval condition on the basis of the access right" (emphasis added). Because Van Dyke does not define a retrieval condition, as explicitly stated in the Office Action, Van Dyke cannot logically be considered to disclose performing access control for an object matching the retrieval condition.

The Office Action statement that Van Dyke does not teach defining a retrieval condition for retrieving an object makes it undiscernable as to how Van Dyke is alleged to disclose these features recited in the claims.

Van Dyke discloses an operational flowchart in Fig. 6. Text corresponding to step 325 of this flowchart is cited as allegedly disclosing "setting an access right in association with the retrieval condition." However, step 325 deals only with authorizing access requests, not the setting of access rights. According to Van Dyke, access rights are set in steps 310 and 315, wherein a control (access) right is defined by creating an access control data structure

and then control right/access control data structure is assigned to/associated with one or more objects. See column 8, lines 26-31.

In any case, there is no disclosure in Van Dyke of setting an access right in association with the retrieval condition, as recited in claim 1. Steps 310 and 315 set an access right, but not in association with a retrieval condition for retrieving an object. As discussed above according to Van Dyke, the only association of the access right is with one or more of the objects. Further, as discussed above, the admitted failure of Van Dyke to teach defining a retrieval condition for retrieving an object makes it impossible for Van Dyke to set an access right in association with a retrieval condition for retrieving an object.

Text corresponding to steps 310 and 315 of the flowchart in Fig. 6 is cited as allegedly disclosing "setting an identifier for identifying the object in association with the retrieval condition." Van Dyke discloses that a unique identifier for the control access right is created and that the unique identifier of an object class is contained in the access control data structure. However, there is no disclosure that the unique identifier identifies an object in association with a retrieval condition for retrieving an object. In fact, the admitted failure of Van Dyke to teach defining a retrieval condition for retrieving an object makes it impossible for Van Dyke to set an identifier for identifying an object in association with a retrieval condition for retrieving the object.

No text corresponding to steps of the flowchart in Fig. 6 is cited as allegedly disclosing "performing access control for an object matching the retrieval condition on the basis of the access right." The text cited by the Office Action refers to "an extensible security system for maintaining control access rights" and various details of embodiments thereof. However, none of the cited text deals with "an object matching the retrieval condition." In fact, the admitted failure of Van Dyke to teach defining a retrieval condition for retrieving an

object makes it impossible for Van Dyke to perform access control for an object matching a retrieval condition for retrieving the object.

Kobayashi is cited only for its disclosure of "using SQL or SELECT statement to retrieve, to set or change a retrieved stored object with the access right." Therefore, it is respectfully submitted that Kobayashi cannot reasonably be considered to make up for the deficiencies of Van Dyke with respect to the features of "setting an access right in association with the retrieval condition" or "setting an identifier for identifying the object in association with the retrieval condition" or "performing access control for an object matching the retrieval condition on the basis of the access right."

Moreover, it is respectfully submitted that the asserted combination of Van Dyke and Kobayashi is improper because the motivation stated in the Office Action is improper. Absent impermissible hindsight based on Applicant's disclosure, it is respectfully submitted that a person of ordinary skill in the art would not have been motivated to modify the systems and methods of Van Dyke based on the teachings of Kobayashi.

The stated motivation stated in the Office Action is "to control the requested object based on the defined control access rights." This statement cannot form a proper basis for an alleged motivation to combine the references because Van Dyke already achieves this control without any modification. Thus, a person skilled in the art would not have been motivated to make any modification of Van Dyke based on a desire for such control.

Furthermore, the statement that it would have been obvious to combine Van Dyke and Kobayashi "so as to retrieve [sic] a stored object in the system with the condition based on the access right of the user" is not a proper statement of motivation. The statement appears to merely reflect the teachings of Kobayashi alone and does not provide a reason to combine Van Dyke and Kobayashi.

The showing of a suggestion, teaching, or motivation to combine references must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not evidence. See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617. The Office Action only provides conclusory statements regarding the individual teachings of the applied references and fails to provide any reasoning of factual basis that can reasonably be considered to establish a proper motivation to combine the references. Therefore, the asserted combination of references is improper.

For at least these reasons, it is respectfully submitted that the Office Action fails to establish a prima facie case of obviousness of the subject matter of independent claims 1 and 10. Therefore, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that independent claims 1 and 10 are patentable over the applied art. The remainder of the claims that depend from independent claims 1 and 10 are likewise distinguishable over the applied art for at least the reasons discussed above, as well as for the additional features they recite.

Therefore, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

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Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Klifton L. Kime
Registration No. 42,733

JAO:KLK/hs

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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